

## REMARKS

### I. Status of the Application

Claims 8-17 and 19-27 are pending in this application. In the June 23, 2009 office action, the Examiner:

A. Rejected claims 8-17 and 19-27 under 35 U.S.C. §112, second paragraph, as being indefinite for use of terms such as “configurable,” “switchable,” and “capable of”;

C. Rejected claims 8-11, 16-17, 19 and 24-27 under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2003/0212815 to Tzeng (hereinafter “Tzeng”) in view of U.S. Patent Publication No. 2002/0071398 to Moran et al. (hereinafter “Moran”) further in view of U.S. Patent No. 7,145,866 to Ting et al. (hereinafter “Ting”);

D. Rejected claims 12 and 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Tzeng in view of Moran and Ting, and further in view of U.S. Patent No. 6,356,951 to Gentry (hereinafter “Gentry”); and

E. Rejected claims 13-15 and 21-23 under 35 U.S.C. §103(a) as allegedly being unpatentable over Tzeng in view of Moran, Ting and Gentry, and further in view of U.S. Patent No. 6,226,292 to Di Placido (hereinafter “Di Placido”).

In this response, Applicants have amended independent claims 8, 17, and 24 based on a phone interview with the Examiner on September 22, 2009. Claims 8-17 and 19-27 have also been amended to remove use of terms such as “configurable,” “switchable,” and “capable of.” New claims 28 and 29 have been added. Applicants respectfully request favorable consideration of the claims based on the foregoing amendments and following

remarks.

II. Substance of Interview with Examiner on August 5, 2009

A telephone interview between the Examiner and Applicants was conducted on September 22, 2009. Independent claims 8, 17, and 24 were discussed during the interview as well as how the prior art documents Tzeng, Moran, and Ting were applied in the making the rejections.

Regarding the rejection of claim 8 over Tzeng, Moran, and Ting, it is the Applicants understanding that the Examiner cited Tzeng as disclosing a MAC interface 101 that is configured to transmit and receive both GE and FE packets because the physical layer 108 is capable of transmitting at 10mps and 100mps, and that Ting was cited as disclosing multiple interfaces associated with a port.

An amendment was proposed which included amending the independent claims to include the limitations that each MAC interface is associated with a separate buffer. In this response, Applicants have amended independent claims 8, 17, and 24 in the manner proposed during the interview.

III. Discussion Regarding the Patentability of Claims 8-17 and 19-27

Independent claims 8, 17, and 24 have each been amended to clarify that each MAC interface is associated with a buffer configured to store packets as they are received at the respective MAC interface. None of the prior art references cited against claims 8, 17, and 24 disclose a port having a plurality of MAC interfaces with each interface being associated with a separate buffer. Accordingly, it is respectfully submitted that claims 8, 17, and 24, as

amended, are in condition for allowance.

Claims 9-16, 19-23, and 25-27 depend directly or indirectly from and incorporate all of the limitations of their respective base claim 8, 17, or 24. Accordingly, claims 9-16, 19-23, and 25-27 are allowable for the same reasons as claims 8, 17, and 24.

#### IV. New Claims 28 and 29

New claims 28 and 29 have been added. New claims 28 and 29 are each directed to an ingress/egress port for an Ethernet switch that includes a plurality of Media Access Control (MAC) interfaces configured to receive/transmit Fast Ethernet (FE) packets and at least one MAC interface further configured to receive/transmit Gigabit Ethernet (GE) packets. Upon further review of Tzeng, Moran, and Ting, Applicants respectfully submit that none of these references disclose a single port that includes a plurality of MAC interfaces.

Tzeng discloses a single MAC interface associated with a port or with a plurality of ports. For example, Tzeng discloses a single MAC interface 106 for the eight (8) Ethernet ports and a single GMAC interface 101 for the two (2) GE ports. (Tzeng, para. [0021]).

Moran discloses a plurality of ports 11a to 11h with each port 11a to 11h being associated with a separate MAC device 14a to 14h. (Moran, Fig. 1, para. [0019]).

Ting discloses a network interface 120 that includes at least one Network Interface Card (NIC) 134-0 to 134-4. Each NIC interface 134-0 to 134-4 is associated with at least one port 136-0 to 136-9. (Ting, Fig. 1, col. 4, lines 5-10). Thus, Ting discloses that each port is associated with a single NIC interface.

None of the cited prior art references disclose or suggest a single port associated with

multiple MAC interfaces.

New claim 28 also defines that the port includes a switch configured to switch the ingress/egress port between a first mode and a second mode of operation for the ingress/egress port, wherein the ingress/egress port operates as a single GE port in the first mode of operation using the at least one of the MAC interfaces to transmit and receive GE packets and as more than one FE port in the second mode of operation using the plurality of MAC interfaces to transmit and receive FE packets. None of the prior art references disclose a port including a switch for switching a port between an FE mode and GE mode. Moreover, none of the prior art references disclose a single port including a plurality of MAC interfaces that is configured to operate as a single GE port using one of the plurality of MAC interfaces to transmit and receive GE packets in a first mode of operation, and to operate as a plurality of FE ports using all of the plurality of MAC interfaces to transmit and receive FE packets in a second mode of operation.

New claim 29 defines that at least one MAC interface is configured to receive/transmit Gigabit Ethernet (GE) packets in a first mode of operation and to receive/transmit FE packets in a second mode of operation. There is no disclosure in the cited prior art references of a single MAC interface having two modes of operations. Although Tzeng discloses a GMAC interface 101 associated with a physical layer capable of 10/100/1000 transmission rates, there is no disclosure in Tzeng that the GMAC 101 interface is configured to transmit and receive FE packets. Ting discloses that a NIC may include 8 FE ports or a single GE port, but there is no disclosure in Ting that a NIC may operate as either 8 FE ports or a single GE port. Moran is silent as to whether MAC interfaces may be operated as either FE ports or GE ports.

Accordingly, it is respectfully submitted that new claims 28 and 29 are patentable over the prior art.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

/David R. Moorman/

David R. Moorman  
Attorney for Applicants  
Attorney Registration No. 59,323  
Maginot Moore & Beck  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, Indiana 46204-5109  
Telephone: (317) 638-2922